



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3392

Introduced 2/7/2012, by Sen. Dan Duffy

SYNOPSIS AS INTRODUCED:

50 ILCS 205/20 new
30 ILCS 805/8.36 new

Amends the Local Records Act. Requires that a unit of local government or school district that has an Internet website that the full-time staff of the unit of local government or school district maintains must post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information: (i) contact information for elected and appointed officials, (ii) notice of and materials prepared for regular and emergency meetings, (iii) procedures for requesting information from the unit of local government or school district, (iv) annual budget, (v) ordinances under which the unit of local government or school district operates, (vi) procedures to apply for building permits and zoning variances, (vii) financial reports and audits, (viii) information concerning employee compensation, (ix) contracts with lobbying firms, (x) taxes and fees imposed by the unit of local government or school district, (xi) rules governing the award of contracts, (xii) bids and contracts worth \$25,000 or more, and (xiii) campaign contributions made by a vendor. Provides that a unit of local government or school district must create a searchable expenditure and revenue database on its website. Sets forth requirements concerning the database. Provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Contains a severability clause. Effective immediately.

LRB097 20022 KMW 65332 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Local Records Act is amended by adding
5 Section 20 as follows:

6 (50 ILCS 205/20 new)

7 Sec. 20. Internet posting requirements.

8 (a) A unit of local government or school district that has
9 an Internet website must post on its website for the current
10 calendar or fiscal year, as the case may be, and the 4 years
11 immediately before that calendar or fiscal year the following
12 information:

13 (1) The contact information, including the phone
14 number and e-mail address, for all elected and appointed
15 officials, the Freedom of Information Officer, the chief
16 administrator, and the head administrator for each
17 department.

18 (2) The agenda, board packets, and any other prepared
19 materials of all regular meetings shall be posted at least
20 72 hours before a meeting. The agenda, board packets, and
21 any other prepared materials of all special or emergency
22 meetings shall be posted at least 24 hours before a
23 meeting. The posting shall indicate if the agendas are in

1 draft form. The minutes from any regular or special meeting
2 shall be posted within 72 hours of approval.

3 (3) In accordance with the Freedom of Information Act,
4 the procedure for requesting information from the unit of
5 local government or school district.

6 (4) The annual budget and appropriation ordinances.

7 (5) The ordinances under which the unit of local
8 government or school district operates as of the effective
9 date of this amendatory Act of the 97th General Assembly
10 and all ordinances thereafter adopted.

11 (6) The procedures required to apply for building
12 permits and zoning variances.

13 (7) Any budget, financial audit, audit schedule, or
14 special project report, including without limitation the
15 comprehensive annual financial report, performance audits,
16 and reports required under the Tax Increment Allocation
17 Redevelopment Act in the Illinois Municipal Code. All
18 reports should include the following:

19 (i) All actual revenues and expenditures for at
20 least the 3 previous fiscal years. Any report focusing
21 on any subset of Total should specify that only partial
22 amounts are shown and identify the Total amount and the
23 nature of items not included in the report.

24 (ii) Revenues should be broken out by source,
25 including the broad categories of local, State, and
26 federal tax dollars.

1 (iii) Expenditures should be separated into
2 current operating, capital, and debt service.

3 (iv) Expenditure summaries for units of local
4 government should reflect the per-resident calculation
5 for comparison to other governmental bodies. For
6 schools, a per-pupil calculation should be made based
7 on full-time equivalent enrollment.

8 (8) A detailed list of the total compensation paid to
9 each employee including wages, salary, overtime, and
10 benefits, including health, dental, life, and pension.

11 (9) Contracts with lobbying firms hired by the unit of
12 local government or school district. The name and amount of
13 money paid to lobbying associations by the unit of local
14 government or school district.

15 (10) A detailed list of the taxes and fees imposed by
16 the unit of local government or school district.

17 (11) The ordinances and rules governing the award of
18 all bids and contracts for purchase in the amount of
19 \$25,000 or more.

20 (12) All bids and contracts for purchase in the amount
21 of \$25,000 or more.

22 (13) All campaign contributions made by a vendor to an
23 official of the unit of local government or school
24 district.

25 (b) No later than one year from the enactment of this
26 legislation, each unit of local government or school district

1 shall develop, maintain, and make publicly available a single,
2 searchable expenditure and revenue web site database that
3 allows the public, at no cost, to review information concerning
4 moneys collected and expended by the unit of local government
5 or school district. The web site database shall include the
6 following data concerning all expenditures made by the unit of
7 local government or school district:

8 (i) the name and principal location or address of the
9 entity receiving moneys, except that information
10 concerning a payment to an employee of the unit of local
11 government or school district shall identify the
12 individual employee by name and business address or
13 location only;

14 (ii) the amount of expended moneys;

15 (iii) the funding source of the expended moneys;

16 (iv) the date of the expenditure;

17 (v) the name of the budget program, activity, or
18 category supporting the expenditure;

19 (vi) a description of the purpose for the expenditure;

20 and

21 (vii) to the extent possible, a unique identifier for
22 each expenditure.

23 The expenditure data shall be provided in an open
24 structured data format that may be downloaded by the user and
25 allows the user to systematically sort, search, and access all
26 data. The web site database shall contain only information that

1 is a public record or that is not confidential or otherwise
2 protected from public disclosure pursuant to State or federal
3 law.

4 The unit of local government or school district shall
5 update the financial data contained on the web site database at
6 least monthly, and archive the financial data, which shall
7 remain accessible and searchable on the web site database. The
8 database must be easily accessible from the main page of the
9 unit of local government or school district's web site. The
10 unit of local government or school district shall create and
11 make easily accessible an automated Rich Site Summary (RSS)
12 feed to which users of the web site database may subscribe for
13 notification of updates to the database.

14 (c) The information required to be posted under subsection
15 (a) must be easily accessible from the unit of local
16 government's or school district's home page and searchable.

17 (d) The postings required by this Section are in addition
18 to any other posting requirements required by law or ordinance.

19 (e) If a unit of local government or school district fails
20 to comply with this Section, then any citizen who is a resident
21 of the unit of local government or school district may file
22 suit in the circuit court for the county where the unit of
23 local government or school district is located. The citizen may
24 bring a mandamus or injunction action to compel the unit of
25 local government or school district to comply with the
26 requirements set forth in subsection (a). The court may impose

1 any penalty or other sanction as it deems appropriate. The
2 court, in its discretion, may also award to the citizen
3 bringing the action reasonable attorneys' fees and costs.

4 (f) No home rule unit may adopt posting requirements that
5 are less restrictive than this Section. This Section is a
6 limitation under subsection (i) of Section 6 of Article VII of
7 the Illinois Constitution on the concurrent exercise by home
8 rule units of powers and functions exercised by the State.

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.36 as follows:

11 (30 ILCS 805/8.36 new)

12 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this amendatory Act of
15 the 97th General Assembly.

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.